THE PAY EQUITY COMMISSION

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Hearings move amendments **one step closer**

Rita Schreiber, Nurses Coalition on Pay Equity (far left) and Ralph Ortlieb, United Food and Commercial Workers Canada (far right), were among many presenters registering support for the extension of pay equity to the thousands of women currently excluded by the original Act.

If there was one thing everyone agreed on during January's hearings on the proposed amendments to Ontario's pay equity law, it was on the concept of pay equity. And the majority of presenters — whether they represented community coalitions, labour organizations, employer associations, child care workers, or nurses — supported the extension of the benefit of pay equity to the many women currently excluded. Seventy-nine presenters appeared before the Ontario Legislature's Standing Committee on Administration of Justice during its four days of hearings on Bill 102 - the *Pay Equity Amendment Act, 1993.*

In the opening presentation, Labour Minister Bob Mackenzie said: "Bill 102 ensures that wage discrimination against women will continue to be fought until it is eliminated in this province." Mackenzie pointed out that the bill would strengthen legal provisions against wage discrimination and give women new tools to achieve pay equity— proportional value and proxy comparisons. Current difficult economic constraints, Mackenzie said, have caused some timelines to be extended in the public sector, but he insisted that "the historic and systemic undervaluation of women's work shall not continue."

INSIDE

Public sector unions, while welcoming new job comparison methods, expressed their disappointment in the government's proposal to extend the deadline for achieving pay equity in the public sector by three years to 1998.

Rita Schreiber, of the Nurses Coalition on Pay Equity, reminded committee members that Ontario's 100,000 nurses receive 1.25 percent of the health care budget while its 10,000 physicians receive nine percent. She reported that a recent Statistics Canada study showed that women working full-time in health care receive 58 cents on the male dollar.

Schreiber said, "In the Old Testament, there's a story about buying and selling male and female slaves. The female slave's work is worth 30 shekels, the male slave's work is worth 50 shekels. So not a whole lot has changed; we've still got that 60-cent dollar." Postponing pay equity payouts would be false economy, according to Schreiber, because money put in women's hands would go back into the economy through spending and taxes.

Several other public sector employees, including Cheryl West of Pat Schulz Childcare Centre, in Toronto, recommended establishing a deadline for achieving pay equity using proxy comparison. "Otherwise," West said, "at one percent of payroll per year, I and others like me will have retired before we achieve pay equity."

The association representing Ontario's hospitals, while supporting pay equity, expressed concern that the government provide enough funds to cover pay equity adjustments.

"Any cost increases relating to employees will have a considerable impact," said Roger Sharman for the Ontario Hospital Association, pointing out that wages and benefits make up 70 to 80 percent of a hospital's budget.

The Pay Equity Commission also submitted a brief to the committee. Commissioner Brigid O'Reilly, legal counsel Judith Killoran and Director of Review Services Murray Lapp commented on the reasons for Bill 102 and outlined additional amendments required to make the *Pay Equity Act* work better. They also discussed how to maintain pay equity, suggesting a specific change to the bill.

Following the hearings, committee members debated and made changes to the bill as outlined below.

Committee makes changes to Bill 102

Three key changes to Bill 102 were passed after debate by the Standing Committee on Administration of Justice in February. This changed bill will go back to the Legislature for third reading and is expected to become law in the spring of 1993. Changes include:

- ***Allowing a female job class to be compared to a representative male job class or group of male job classes. This change will enable those organizations that have only one representative male job class to use it when applying proportional value. A male job class is "representative" only if it can fairly determine the job rates for male job classes at the same value as the female job classes seeking pay equity.***

- ***Granting authority to the Pay Equity Office to act as an applicant in cases before the Pay Equity Hearings Tribunal that deal with the enforcement of review officers' orders.***

- ***Placing the onus on employers to prove that harassment or intimidation, alleged by employees exercising their pay equity rights, did not occur. Currently, the burden of proof is on the employee who has made the complaint.***

A guide to measuring and valuing "versatility"

Secretary

Produce Packer

Titles don't always tell the whole story. They often fail to reflect the versatility of tasks involved, as a closer look at the jobs of this secretary and produce packer demonstrate.

Jobs in many organizations require some versatility ... whether it's relieving the receptionist at the switchboard during lunch breaks, being responsible for maintaining machines as well as stocking shelves, or driving a snowplow occasionally while working as a municipal clerk. How to measure that versatility and its value is important to organizations, and particularly for small organizations, where employees perform a variety of job functions.

Versatility is the skill of turning from one task or function to another. To measure it, you need to consider the extent to which the tasks are different or related, whether partial duties, or all duties including problem solving, are handled and the frequency and duration for each.

Measuring versatility - step by step

Two jobs are used in this food company example — secretary and produce packer.

The secretary's job involves secretarial duties and back up for the switchboard operator; accounts payable and receivable; dealing with suppliers and providing customer service when sales people are away.

The produce packer sorts and packs vegetables; helps load crates onto delivery trucks; and fills in with light maintenance work such as keeping the warehouse organized, sweeping and replacing light bulbs.

We assess how versatile these jobs are, how to value that versatility and where it fits into the overall job evaluation process.

Step 1: How versatile are these jobs?

	Secretary Job	Produce Packer Job
Similarity		
How similar or different are the tasks? What similar or different areas of knowledge are required?	Accounts payable and receivable; secretarial work (including switchboard); and dealing with suppliers and customer service are different from each other.	Sorting/packing and loading crates are similar. Light maintenance is different.
Does the employee handle all duties including solving problems, or perform partial duties?	Expected to handle all duties in these areas.	Handles all sorting/packing and loading; performs partial maintenance duties.
Frequency/Duration		
How often does the employee have to switch between tasks? What time is spent on each?	Spends 65% of time on secretarial, 5% on the switchboard, 15% on accounts payable and receivable, and 15% on supplier contact and customer service.	Sorting and packing take 80% of time, loading crates takes 5% and maintenance takes 15%.
	Expected to provide customer service at a moment's notice.	Knows in advance when each task will be done.

Step 2: How valuable is versatility?

In the case of this produce company, its pay equity committee measured the value of each job according to four factors: skill, effort, responsibility and working conditions. Each of these four factors was divided into subfactors. The committee decided that the subfactors under skill would be knowledge, interpersonal skills, and versatility.

Out of a total possible score of 1,000 points, the committee agreed that skill would be worth 350 points. Of that, knowledge was worth a maximum of 125 points, interpersonal skills 100, and versatility 125 points.

The company's pay equity committee set the following five levels to value versatility. They divided the 125 points for versatility into the five levels.

	Secretary Job	Produce Packer Job
Level 1 (25 points)		
Tasks require little or no versatility. Employee usually does one task all the time. May perform other related tasks in an emergency.		
Level 2 (50 points)		
Tasks require some versatility. Occasionally must handle all duties of a related task. May also handle partial duties of an unrelated task.		50 points Handles two different tasks and a related one. Knows when each is to be done.
Level 3 (75 points)		
Tasks require versatility regularly. Usually handles a few related and several unrelated tasks. Usually is required to perform all duties.	75 points Handles three different tasks and a related one. Expected to change tasks frequently. Customer service must be done at a moment's notice.	
Level 4 (100 points)		
Tasks require versatility frequently. Must handle several related and unrelated tasks. Required to perform all duties.		
Level 5 (125 points)		
Extensive versatility required. Does many related and unrelated tasks extensively.		

Step 3: Where the versatility score fits

Versatility is just one subfactor. In the same way, levels and points would be determined for the other subfactors. The jobs of secretary and produce packer would be assessed and placed into the appropriate levels and given points. The points for each job would then be totalled to determine their overall value.

	Total points possible	Secretary	Produce Packer
Skill (350)			
knowledge	125		
interpersonal skills	100		
versatility	**125**	**75**	**50**
	350		
Effort (200)			
mental	100		
physical	100		
	200		
Responsibility (350)			
supervisory	120		
financial resources	80		
information resources	100		
material resources	50		
	350		
Working Conditions (100)			
environment	100		
Total	1000		

Monitoring for compliance

"It's not fair. I have done pay equity for my employees and paid the increases. My competitor has ignored the law. Can't you do something about that?"

"My employer has not done pay equity. There's no plan and no adjustments. If I tell you who I work for, they'll find out I complained and fire me. What can you do to make my employer do pay equity?"

"I can't tell you any names but I know lots of companies, to whom I've explained pay equity and what my consulting firm can do to help them, but they've said they'll take their chances and not do pay equity."

These are a few of the themes we've heard from people concerned about non-compliance with the *Pay Equity Act*. We've heard them to some degree since 1990, but the chorus is swelling as more compliance dates go by.

A consistent message of this Newsletter, since its first issue in 1988, has been that pay equity is a "self-managed" process. The *Act* sets out the "who, what, where, when and why" of the process. The Commission has tried to assist with some of the "hows".

Making sure that pay equity is being achieved is fair — fair to those getting the adjustments due to them, and fair to those who have done what the Act requires them to do.

To address the problem of employers who have chosen not to do what the *Act* requires of them, the Pay Equity Office is initiating a Monitoring Program to check for compliance. Over the next few months, review officers will be contacting employers randomly selected from our mailing lists and asking about the status of their pay equity plans. Where plans have not been posted, the officer will work with the employer to ensure that plans are developed.

Enforcement has always been a part of the Commission's duties but has not been highlighted in our emphasis on self-management. It is, however, a necessary component of the task of bringing pay equity to reality. For most employers monitored under the program, the process will be a short one. They will outline what establishments and bargaining units they have and will show the officer the completed plans for each. At this point the file will be closed. If plans have not been posted, the officer will follow up and make sure that the deficiency has been corrected.

Review officers are given the responsibility in subsection 34(2) of the *Act* to monitor the preparation and implementation of pay equity plans. Most of their work to date has been to respond to complaints and objections that have been filed by employees, unions and employers. The Review Services Branch has taken action on these cases before starting to monitor employers against whom no complaint has been filed. The Branch is committed to doing this without delaying its efforts on the cases received from parties seeking assistance.

The *Act* does not require employers to file completed plans with the Commission. This makes monitoring more difficult because there is not a list of employers who have not filed. In the course of its outreach activities, however, the Commission has developed reliable mailing lists of employers who were supposed to post on each compliance date. From these lists will be drawn a random sample to be contacted for monitoring.

Employers contacted will be those for whom both the posting and implementation dates in the *Act* have passed. The process will also not be a surprise. There will be ample notice that a check will be done so that the employer has the chance to assemble the material the review officer will need to see.

Under the program, employers will receive an initial letter notifying them that a review officer will be calling them and giving them some information about the program. The officer will then call to set up a meeting to review plan completion. If a bargaining unit is involved and a plan has not been developed, the bargaining agent will be contacted and involved in any further meetings.

Involvement in the Monitoring Program does not give a pay equity plan any special status. While review officers will be ensuring that plans required by the *Act* are completed, they are not giving a "stamp of approval" to what is in the plan. The usual complaint and objection provisions of the *Act* still apply.

The program will not be able to reach all employers required to post pay equity plans. By reaching some, the Commission hopes to effectively answer questions like those quoted earlier. Making sure that pay equity is being achieved is fair - fair to those getting the adjustments due to them, and fair to those who have done what the *Act* requires them to do.

Pay Equity Hotlines

Getting help on pay equity

by Linda Sullivan
Information and Education Services Branch

Question: I read that pay equity is being delayed because of government cutbacks. Does this apply to the private sector too?

Answer: The deadlines have not changed for private sector employers. If they posted pay equity plans, they have as long as they need to complete their pay equity adjustments. They will continue to pay one percent of payroll a year until pay equity has been achieved. Small employers with 50-99 employees, who chose not to post pay equity plans, should have achieved pay equity by January 1, 1993. Those with 10-49 employees, who also chose not to post, should achieve pay equity by January 1, 1994.

The public sector was given a specific date by which to reach pay equity even if this meant paying more than one percent of payroll a year. Originally that date was 1995. Now, that date is 1998. Payouts must continue at a minimum of one percent annually.

Question: I work in a retail store. I've read about the changes to the pay equity law and want to know if they apply to me.

Answer: The changes to the pay equity law have not been passed by the government, so they are not yet law. We hope, however, they will be passed this spring.

The amendments will extend the law to many more women in Ontario. Right now, the law requires that each female job be compared directly to a male job of roughly equal value. If there is no male job of equal value for a specific female job in a workplace, the female job will not get a pay equity adjustment.

A new method called "proportional value" will require female jobs to be compared indirectly to a group of male jobs in your organization and in this way determine whether an adjustment is needed for the female job, such as yours, to reach pay equity.

Question: When I posted my original pay equity plan, some female job classes didn't get male comparators. I went ahead and calculated adjustments using proportional value. Is this OK?

Answer: By doing the job-to-job comparison required in the *Pay Equity Act*, you have met the minimum requirements. In doing proportional value adjustments, you've gone beyond the minimum required by the current *Act*. You'll have to make sure that what you've done still complies with the amendments once they are passed.

Question: How can I find out more about proportional value?

Answer: The Pay Equity Office has some material on the basics of proportional value. A workbook will be ready closer to the passage date of the amendments. The Commission will also run seminars on proportional value. For information, call the Pay Equity Commission: Toronto and area 481-3314 or toll free 1-800-387-8813.

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Are you an employer or an employee?

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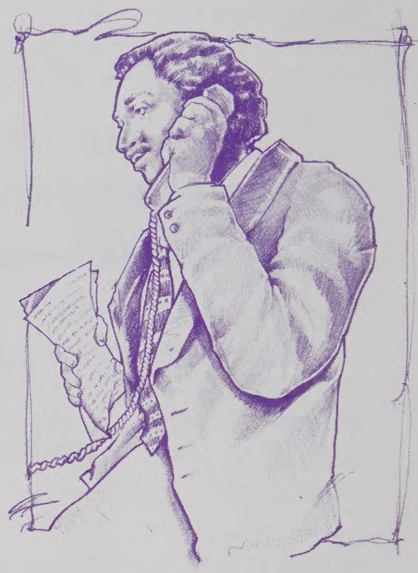
ONTARIO-WIDE (TOLL FREE)

1-800-387-8813

TORONTO AREA

481-3314



Counsellors are here from 8 a.m. to 5:30 p.m. to answer your questions about pay equity in English and French.

THE PAY EQUITY COMMISSION

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